UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,630	06/24/2003	Joseph B. Agusta	P5087C1	2917

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EXAMINER
NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *RCE and amendment filed 4/18/08*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-34* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

2.   Applicant's amendment filed 0418/08 has been entered. Claim 33 has been

amended. Claims 35-36 have been cancelled. No claims have been added. Claims

29-34 are still pending in this application, with claims 29, 31, and 33 being independent.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and
> useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4.   Claims 33-34 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 33 recites "Computer program code",

claims the non-statutory subject matter under 25 U.S.C 101. Therefore, since the

claimed programs are not tangibly embodied in a physical medium and encoded on a

computer-readable medium, and Applicant's disclosure has no clear support of what

media has been positively disclosed as, then the Applicants has not complied with 35

U.S.C 101. Suggestion to recite claim 33 as follows: "Tangible computer readable

media embodied with computer executable instructions for..."

        Claim 34 is rejected because it depends on rejected claim 33.

Claim Rejections - 35 USC § 103

5.   Claims 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sassin et al. (U.S. Patent. 6,058,435).

Regarding claims 29 and 31, Sassin et al. disclose a method of assigning tasks

to agents in a service center based on agent skills required to service individual tasks,

comprising:

in response to a task (col. 7, line 20 - *incoming communication*) to be service,

determining a skill set that would be best suited for responding to the task (col. 3, lines

33-36; col. 7, lines 25-36 and lines 56-59);

building a skill table of all available agents having skills at least partially matching

the determination of skills needed to service the task based upon the skills that they

possessed (col. 7, lines 25-35; col. 8, lines 9-22 and lines 47-65 - *where Sassin*

discussed particularly col. 8, lines 47-49 generating the agents table contains a list of all

of the agents of the ACD system);

determining from the skill table of available agents all agents with best match to

service the task (col. 8, line 57 through col. 9, line 14);

selecting an agent to service the task from the agents determined to have the

best match to service the task (col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5).

Sassin does not teach the exact order of steps as recited in claims 29 and 31.

However, Sassin discussed having a particular agent handle incoming communications

requiring a particular skill (col. 8, line 66 through col. 9, line 27), hence in order to assign

an agent to handle a particular incoming communication, the skills required to handle

the incoming communication are known ahead of time. Furthermore, there is no

suggestion in Sassin that tasks have to be received, skills determined, and the agent

table is accessed to determine the best agent, in that order. Again, to have steps in

different order and still performing the same functions and without departing from the

teachings of the prior art do not rise to the level of patentability.

Claim 33 is rejected for the same reasons as discussed above with respect to

claim 1. Furthermore, Sassin et al. teach computer program code embodied in a

storage medium for controlling a computer to assign tasks to agents (col. 11, lines 40-

67; col. 13, lines 49-60 - *media converter 106, content analyzer 108, content-based*

router 110).

Regarding claims 30, 32, and 34, Sassin et al. teaches selecting an agent to

service the task from the agents determined to have the best match to service the task

(col. 3, lines 33-36; col. 9, lines 11-14; col. 10, lines 2-5; col. 8, line 66 through col. 9,

line 65 - *where Sassin discussed selecting the first agent who is the only agent*

possesses skill C to handle calls requesting skill A or skill B when there is no

transaction requesting skill C). However, Sassin et al. does not explicitly teach

selecting an agent with a minimum qualification level from the agents determined to

have the best match to service the task. Selecting an agent with a minimum

qualification among the agents is well known in Automatic Call Distributing Center and

the advantage of selecting an agent with a minimum qualification among the agents is

also well known. For example, if agent A1 speaks English and Spanish and agent A2

speaks only Spanish, a task needs to be serviced is Spanish then one would select

agent A2 with a minimum qualification level.

Response to Arguments

6.   Applicant's arguments filed 04/18/08 have been fully considered but they are not

persuasive.

The 101 rejection of claims 33-34 is maintained. Please see above rejection.

Applicant mainly argues that tasks are received, the skills required are known

before the table is generated to facilitate finding the best agent. Sassin does not teach

the exact order of steps as recited in claims 29 and 31. However, Sassin discussed

having a particular agent handle incoming communications requiring a particular skill

(col. 8, line 66 through col. 9, line 27), hence in order to assign an agent to handle a

particular incoming communication, the skills required to handle the incoming

communication are known ahead of time. Furthermore, there is no suggestion in Sassin

that tasks have to be received, skills determined, and the agent table is accessed to

determine the best agent, in that order. Again, to have steps in different order and still

performing the same functions and without departing from the teachings of the prior art

do not rise to the level of patentability.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-

272-7489. The examiner can normally be reached on Monday - Thursday from 6:30

A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/

Primary Examiner, Art Unit 2614